

UNITED STATES OF AMERICA)
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 v.)
)
 DEWEESE HENRY BUSHYHEAD)
)

FACTUAL BASIS

Percocet from drug dealers for self-medication. He started with Percocet 10mg but increased to Percocet 30mg and was using three to five per day.

MS said his primary source is Deweese BUSHYHEAD. On April 10, 2020, he arranged to purchase four Percocet 30s for \$200 and that he would receive an additional pill for free. He said that he went to BUSHYHEAD's residence and conducted the deal outside because BUSHYHEAD's father does not condone what he does.

A Cellebrite extraction of MS's phone confirms contact between the two. MS texts BUSHYHEAD and repeatedly asks "U home bro?" When BUSHYHEAD confirms MS says that he will swing by in a few and "OK i take 5 ill txt when im close." At approximately 12:32PM he texts "im here." BUSHYHEAD responds that he's coming and at 12:35PM replies "Gotta park at curve next time ok bro" to which MS responds "Ok bro."

MS told investigators that the pills he received from BUSHYHEAD were wrapped in a yellow paper bag and that when he looked at them, he thought they were normal Percocets. He then crushed a couple of them and snorted them. MS stated that he knew immediately that something was wrong and that he sent a message to BUSHYHEAD about them.

The phone extraction confirms this. There is a message from MS to BUSHYHEAD where MS says, "Was those normal 3's bro? They taste different and made me feel dizzyjust not the same feeling like before broski." The time of this message was 12:52PM.

According to MS, he passed out before getting a response and woke up to paramedics around him. Apparently, he had crashed his 2008 Chevrolet truck into the guardrail at the intersection of the 441 bypass and Casino Trails in Jackson County, NC. Then-CIPD officer Travis Brooks was the first to respond and noted MS was unconscious in the driver's seat. Paramedics Melissa Taylor and William Rogers (along with student Hamilton Boxberger) responded as well. When they arrived they found MS upright in the truck and restrained.

The paramedics observed MS to be unresponsive and was breathing 4 times per minute with a strong and fast radial pulse. His Glasgow Coma Scale was 5. They also observed his head and upper chest were cyanotic (bluish/purplish due to

deficient oxygenation of the blood) and that his skin was diaphoretic (sweating). They also found his pupils to be constricted.

The paramedics administered 1mg of Narcan. MS's respiratory rate increased from 4 breaths per minute to 6 but he was still unresponsive. They then administered an additional 2mgs of Narcan while adding an oxygen mask and a nasopharyngeal airway to assist getting him oxygen. Soon thereafter MS's breath rate increased to 12 per minute and he opened his eyes and tried to sit up.

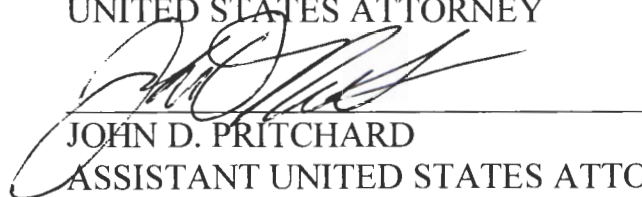
After getting MS to calm down, he told personnel on the scene that he had snorted two "roxies" at the garbage dump on Old Mission Road and that afterwards he contacted his dealer because he didn't feel right.

MS checked his phone. He had received a reply from BUSHYHEAD to his inquiry about whether the pills were normal. It read "They the new 30s with fetanlyall." The response was sent at 12:53PM.

MS was taken to the hospital but released the same day. When he texted BUSHYHEAD again at 2:37PM he was angry. He said, "That shit fucking killed me you fucking son of a bitch! They had to narcan me to bring me back!" He went on to demand his money back, plus an additional \$300, and said that three tribal council members had written asking him about how the fentanyl had been acquired. BUSHYHEAD responded by asking how many he did and that he didn't like being cussed and that they could talk about it face to face.

Prior to a police interview, MS said he still had the other three pills that he acquired from BUSHYHEAD. He gave them to the investigators. They were submitted to the North Carolina State Bureau of Investigation Crime Laboratory for analysis. The lab chose to only analyze one of them, but found it to contain fentanyl with a net weight of 0.12 grams.

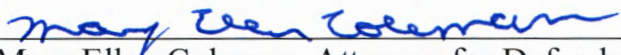
DENA J. KING
UNITED STATES ATTORNEY



JOHN D. PRITCHARD
ASSISTANT UNITED STATES ATTORNEY

Defendant's Counsel's Signature and Acknowledgment

I have read this Factual Basis, plea agreement, and the Bill of Information in this case, and have discussed them with the defendant. Based on those discussions, I am satisfied that the defendant understands the Factual Basis, plea agreement, and the Bill of Information. I hereby certify that the defendant does not dispute this Factual Basis.



Mary Ellen Coleman, Attorney for Defendant

DATED: 4/13/23